



CITY OF CEDAR PARK
REGULAR CALLED MEETING OF THE
PLANNING & ZONING COMMISSION
TUESDAY, SEPTEMBER 17, 2013 AT 6:30 P.M.
CEDAR PARK CITY HALL COUNCIL CHAMBERS
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|---|---|--|
| <input type="checkbox"/> SCOTT ROGERS, Place 1 | <input type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input type="checkbox"/> KELLY BRENT, Place 7 |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input type="checkbox"/> HOLLY HOGUE, Place 6, |
| <input type="checkbox"/> KEVIN HARRIS, Place 3 | | Secretary |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
3. MINUTES: Approve Minutes from the Regular Meeting of August 20, 2013
4. CITIZEN COMMUNICATIONS (Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)
5. CONSENT AGENDA:

A. STATUTORY DISAPPROVAL:

(Note: In accordance with the statutory requirements of the Texas Local Government Code reflected in City Ordinance Sections 12.03.001, 12.05.004, 12.06.004 the following applications are recommended for statutory disapproval in order to allow the City to process the application. These applications will continue through the review process without bias and will be placed on the agenda in a timely manner once the review process is complete. Disapproval in order to meet the statutory requirements under these sections shall not bias future consideration of this application by the Planning and Zoning Commission.)

1. The Shops at Lakeline Village Section 3, Resub of Lot 2 (SFP-13-009)
5.56 acres, 2 commercial lots
Located north of Lakeline Boulevard and east of Little Elm Trail
Owners: Becky, Ltd.
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
2. The Shops at Park Street (SFP-13-010)
7.51 acres, 3 commercial lots
Located north of East Park Street and West of North Vista Ridge Boulevard
Owners: Carolville Ltd.
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove
3. Lakewood Country Estates Phase One, Resub of Lot 3 Block D (SFP-13-011)
5.02 acres, 2 residential lots
Located on Lakewood Trail
Owners: Cecil and Norma Holder

Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

4. Cedar Park Ranchettes Unit Four, Amended Plat of Lots 14 and 15 (FPD-13-006)
0.95 acres, 2 residential lots
Located at 306 and 308 North Cougar Avenue
Owners: Jerry and Aida Castillo
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Lakeline at Old Mill Preliminary Plan (PP-13-003)
37.59 acres, 2 commercial lots and 2 residential lots
Located on the north side of Lakeline at Old Mill Road
Owner: Brooke LTD and Property Fund #2 LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
2. Lakeline at Old Mill Final Plat (FP-13-004)
37.59 acres, 2 commercial lots and 2 residential lots
Located on the north side of Lakeline at Old Mill Road
Owner: Brooke LTD and Property Fund #2 LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
3. Cypress Corner Section Two Preliminary Plan (PP-12-003)
3.63 acres, 2 commercial lots
Located at the southeast corner of Cypress Creek Road and Alexis Drive
Owner: TS-SD III LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
4. Cypress Corner Section Two Final Plat (FP-12-002)
3.63 acres, 2 commercial lots
Located at the southeast corner of Cypress Creek Road and Alexis Drive
Owner: TS-SD III LTD
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve
5. Colonial Parkway at Vista Ridge (SFP-13-004)
1.26 acres, 1 commercial lot
Located at Colonial Parkway and Vista Ridge Blvd
Owner: Carolville, LTD
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

6. LISD Silverado East (FP-13-003)
23.21 acres, 2 commercial lots
Located at the southwest corner of Ranch Trails and South Frontier Lane
Owner: Leander Independent School District
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

- C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS:
 1. Thomas Balestiere, August 20, 2013

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Postponement request by applicant to October 15, 2013
- B. Old Mill Village, Z-13-007 – Postponement request by applicant to October 15, 2013
- C. Ann Seaman, Z-13-015 – Postponement request by the applicant to November 19, 2013

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. East Park and Vista Ridge, Z-13-017 (related to item 8A)
- B. Acme Brick, Z-13-018 (related to item 8B)
- C. Twin Lakes Park, Z-13-019 (related to item 8C)

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by Carolville, Ltd. to rezone approximately 3.24 acres from General Retail (GR) to Local Retail (LR) for property located at the northwest corner of East Park Street and Vista Ridge Boulevard. (Z-13-017)
Owner: Carolville, Ltd.
Agent: City of Cedar Park
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Local Retail (LR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- B. Consider a request by Acme Brick to rezone approximately 48.67 acres of Light Industrial (LI) to General Retail (GR) for property located at 1800 West Whitestone Boulevard. (Z-13-018)
Owner: Acme Brick
Agent: Danny Miller, LJA Engineering
Staff resource Person: Amy Link
Staff proposal to P&Z: General Retail with a Conditional Overlay (GR-CO) prohibiting automobile sales (new and used), automobile repair shops, car washes, equipment rental/sales/service/repair, non-emergency medical transport, day care center (adult and child), private schools, wireless telecommunications facilities and laundromat.
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report

- C. Consider a city initiated request to assign original zoning of Open Space Recreation (OSR) to approximately 34.08 acres located near the southeast corner of South Bell Boulevard and East Little Elm Trail, known as Twin Lakes Park. (Z-13-019)
Owner: Texas Parks and Wildlife
Staff Resource Person: Amy Link
Staff proposal to P&Z: Open Space Recreation (OSR)
 - 1) Public Hearing
 - 2) P&Z Recommendation to City Council
 - 3) P&Z Adoption of Final Report
- 9. FUTURE LAND USE PLAN AMENDMENTS:
 - A. Future Land Use Amendment for property located at 1800 West Whitestone Boulevard (related to item 8B).
- 10. SUBDIVISIONS (ACTION AND PUBLIC HEARING):
 - A. Dies Ranch Subdivision (SFP-13-001)
10.15 acres, 2 commercial lots
Located at the northwest corner of Anderson Mill Road and Dies Ranch Road
Owner: Birdwell Investments LLC and Robert Theriot
Staff Resource: Amy Link
Staff Proposal to P&Z: Approve variance and plat
 - 1) Public Hearing on Guara Court street extension variance request
 - 2) P&Z Action on Guara Court street extension variance request
 - 3) P&Z Action on subdivision
- 11. CONDITIONAL/SPECIAL USE PERMITS (ACTION AND PUBLIC HEARING): **NONE**
- 12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS: **NONE**
- 13. DISCUSSION AND POSSIBLE ACTION: **NONE**
- 14. ADMINISTRATIVE ITEMS:
(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)
 - A. Report on City Council Actions Pertaining to Zoning Matters from August 22nd and September 12th
 - B. Director and Staff Comments
 - 1) Special Called work session on October 1, 2013
 - C. Commissioners Comments
 - D. Request for Future Agenda Items
 - E. Designate Delegate to Attend Next Council Meetings on September 26th and October 3rd
- 15. ADJOURNMENT

The above agenda schedule represents an estimate of the order for the indicated items and is subject to change at any time.

All agenda items are subject to final action by the Planning and Zoning Commission.

Any item on this posted agenda may be discussed in Executive Session provided it is within one of the permitted categories under Chapter 551 of the Texas Government Code.

An unscheduled closed executive session may be held if the discussion of any of the above agenda items concerns the purchase, exchange, lease or value of real property; the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a public officer or employee; the deployment or use of security personnel or equipment; or requires consultations with the City Attorney.

At the discretion of the Planning and Zoning Commission, non-agenda items may be presented by citizens to the Planning and Zoning Commission for informational purposes; however, by law, the Planning and Zoning Commission shall not discuss, deliberate or vote upon such matters except that a statement of specific factual information, a recitation of existing policy, and deliberations concerning the placing of the subject on a subsequent agenda may take place.

The City Attorney has approved the Executive Session Items on this agenda, if any.

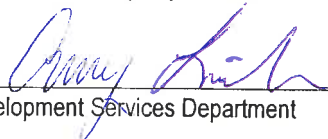
CERTIFICATE

I certify that the above notice of the Regular Called Planning and Zoning Commission Meeting of the City of Cedar Park, Texas was posted on the bulletin board of the City of Cedar Park City Hall, 450 Cypress Creek Road, Building Four, Cedar Park, Texas. This notice was posted on:

SEP 13 '13 PM 3:41

Date Stamped (Month, Day, Year, AM/PM, Time)

The Cedar Park City Hall Complex Meeting Rooms are wheelchair accessible and accessible parking spaces are available. Requests for accommodations or interpretative services must be made 48 hours prior to this meeting. Please contact the City Secretary's Office at (512) 401-5002 or Fax (512) 401-5003 for further information.



Development Services Department

Notice Removed: _____
Date Stamped (Month, Day, Year, AM/PM, Time)

MINUTES FOR
CITY OF CEDAR PARK
PLANNING & ZONING COMMISSION
TUESDAY, AUGUST 20, 2013 AT 6:30 P.M.
450 CYPRESS CREEK ROAD, BUILDING FOUR, CEDAR PARK, TEXAS 78613

COMMISSION MEMBERS

- | | | |
|---|--|--|
| <input checked="" type="checkbox"/> SCOTT ROGERS, Place 1 | <input checked="" type="checkbox"/> NICHOLAS KAUFFMAN, Place 5, Chair | <input checked="" type="checkbox"/> KELLY BRENT, Place 7 |
| <input type="checkbox"/> THOMAS BALESTIERE, Place 2 | <input checked="" type="checkbox"/> AUDREY WERNECKE, Place 4, Vice Chair | <input checked="" type="checkbox"/> HOLLY HOGUE, Place 6,
Secretary |
| <input checked="" type="checkbox"/> MICHAEL DION, Place 3 | | |

1. CALL TO ORDER, QUORUM DETERMINED, MEETING DECLARED OPEN
Chair Kauffman called the meeting to order at 6:30 P.M. Four Commissioners were present and a quorum was declared. Vice Chair Wernecke arrived during Item 4. Secretary Hogue arrived during Item 6. Commissioner Balestiere was absent. Chair Kauffman read the standard introduction explaining the meeting procedures.
2. PLEDGE OF ALLEGIANCE TO THE U.S. AND TEXAS FLAGS
Chair Kauffman led the audience in the U.S. Pledge of Allegiance and the Texas Pledge.
3. MINUTES: Approve Minutes from the Regular Meeting of July 16, 2013
MOTION: Commissioner Dion moved to approve the Minutes of the Regular Meeting of July 16, 2013 as presented. Commissioner Rogers seconded the motion. The motion passed unanimously, 4-0, with three absent.
4. CITIZEN COMMUNICATIONS *(Not For Items Listed On This Agenda. Three Minutes Each. No Deliberations With Commissioners. Commissioners May Respond With Factual Information.)* **NONE.**
5. CONSENT AGENDA:
 - A. STATUTORY DISAPPROVAL:
 1. Ranch at Brushy Creek Section 10A (FP-13-007)
17.47 acres, 84 residential lots, 2 landscape lots
Located on North Frontier Lane near Dry Gulch Bend
Owners: Silverado Austin Development, LTD and Standard Pacific of Texas Inc.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 2. Buttercup Creek Phase V, Section 7, Resubdivision of Lot 161 Block A (SFP-13-008)
0.90 acres, 2 residential lots
Located at 2004 Burnie Bishop Place
Owners: Forestar (USA) Real Estate Group, Inc.
Staff Resource: Amy Link
Staff Proposal to P&Z: Statutorily Disapprove
 3. Reserve at Twin Creeks Section 13, Amended Plat of Lots 38 & 39 Block V (FPD-13-005)
0.63 acres, 2 residential lots
Located on Millstream Drive, Reserve at Twin Creeks Section 13
Owners: John & Jill Bohnen and Standard Pacific of Texas, Inc.
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Statutorily Disapprove

B. SUBDIVISION APPROVALS:

1. Little Elm (FP-13-006)
59.38 acres, 2 commercial lots and 2 residential lots
Located on the west side of South Bell Boulevard at Little Elm Trail
Owner: Milestone Community Builders
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
2. Shanti Nivas (SFP-13-006)
2.04 acres, 1 commercial lot
Located at 1000 South Bell Boulevard
Owner: Bastrop Investment Group, LP
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve
3. East Park Church Addition (SFP-13-007)
10.60 acres, 1 commercial lot
Located at the northwest corner of East Park Street and Creek Vista Boulevard
Owner: Corporation of the Presiding Bishop of the Church of Jesus Christ of Latter Day Saints
Staff Resource: Rian Amiton
Staff Proposal to P&Z: Approve

C. EXCUSED ABSENCES FOR PLANNING AND ZONING COMMISSIONERS: None.

MOTION: Commissioner Rogers moved to recommend approval of Consent Agenda Items 5.A.1 through 5.A.3 as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 5-0, with two absent.

MOTION: Commissioner Rogers moved to recommend approval of Consent Agenda Items 5.B.1 through 5.B.3 as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 5-0, with two absent.

6. POSTPONEMENT/WITHDRAWN/PULLED REQUESTS:

- A. Cedar Park Town Center, Z-13-006 – Postponement request by the City to September 17, 2013
- B. Ann Seaman, Z-13-015 – Postponement request by the applicant to September 17, 2013
Planning Manager Amy Link advised that the postponement of Case Z-13-007 (relating to Items 7A, 8A and 9A) to the September 17, 2013 meeting had been requested by the applicant after the agenda had been posted.

MOTION: Commissioner Rogers moved to postpone Case Z-13-006, Case Z-13-015, and Case Z-13-007 until September 17, 2013. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with one absent.

7. STAFF REPORTS – ACCEPTANCE OF PRELIMINARY REPORTS:

- A. Old Mill Village, Z-13-007 (related to item 8A) **Item postponed to September 17, 2013.**
- B. Cedar Grove, Z-13-012 (related to item 8B)
- C. Cedar Park Event Center PD, Z-13-016 (related to item 8C)

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MOTION: Commissioner Rogers moved to accept the Preliminary Reports for Items 8B (Z-13-012) and 8C (Z-13-016) as presented. Commissioner Dion seconded the motion. The motion passed unanimously, 6-0, with one absent.

8. ZONING PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consider a request by 183 BLW LP to rezone approximately 10.72 acres from General Office (GO) and Local Retail (LR) to Condominium Residential (CD) for property located near the southwest corner of South Lakeline Boulevard and Old Mill Road. (Z-13-007)
Owner: 183 BLW LP
Agent: Jim Brewer, Gray Engineering
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: General Office (GO) and Local Retail (LR)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Item was postponed to September 17, 2013. See Item 6.

Chair Kauffman called up Items 8B and 9B together for their presentations.

- B. Consider a request by Williams Properties II LLC, Joseph Taggart Williams Trust UTD, Professors Fund V LLC, MP Land 1 LP, and T&H Investments Inc. to rezone approximately 66.75 acres from Development Reserve (DR), Multifamily Residential (MF) and Local Retail (LR) to Single Family-Urban Lot (SF-3), Multifamily Residential (MF) and General Retail (GR) for property located on the east side of Bagdad Road, south of West New Hope Drive. (Z-13-012)
Owner: Williams Properties II LLC, Joseph Taggart Williams Trust UTD, Professors Fund V LLC, MP Land 1 LP, and T&H Investments Inc.
Agent: Randall Jones
Staff Resource Person: Amy Link
Staff proposal to P&Z: Single Family-Urban Lot (SF-3), Multifamily Residential (MF) and Local Retail (LR)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Planning Manager Amy Link made the presentation and was available for questions. The applicant requested rezoning of approximately 66.75 acres from Multifamily (MF), Local Retail (LF) and Development Reserve (DR) to 43.37 acres of Single Family-Urban Lot (SF-3), 17.16 acres of Multifamily (MF) and 6.22 acres of General Retail (GR) for property located on the east side of Bagdad Road, south of West New Hope Drive. The site is currently undeveloped. The Applicant's Communication Summary had not been received. Staff recommended the following: 1) approval of approximately 43.37 acres of Single Family-Urban Lot (SF-3), 2) approval of approximately 17.16 acres of Multifamily (MF), and 3) approval of approximately 6.22 acres of Local Retail (LF). Tom Bobowski, applicant's representative, showed the Commissioners the overall project plans.

A public hearing was held on the above item. The following completed Recognition Cards requesting to speak in support of the rezoning request: 1) Michael Sinclair, 2) Kristina Alfsen, 3) Tom Bobowski, and 4) Rogelio Lugo. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding the rezoning request.

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MOTION: Commissioner Dion moved to recommend approval to the City Council of rezoning approximately 66.75 acres from Multifamily (MF), Local Retail (LF) and Development Reserve (DR) to 43.37 acres of Single Family-Urban Lot (SF-3), 17.16 acres of Multifamily (MF) and 6.22 acres of General Retail (GR) for property located on the east side of Bagdad Road, south of West New Hope Drive (Z-13-012) as recommended by staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Dion moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8B, Case Z-13-012. Vice Chair Wernecke seconded the motion. The motion passed unanimously, 6-0, with one absent.

- C. Consider a request by the City of Cedar Park to rezone approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD) for property located on the west side of 183A Toll Road, north of East New Hope Drive. (Z-13-016)
Owner: City of Cedar Park
Agent: David Pettit
Staff Resource Person: Amy Link
Staff proposal to P&Z: Planned Development (PD)
1) Public Hearing
2) P&Z Recommendation to City Council
3) P&Z Adoption of Final Report

Planning Manager Amy Link made the presentation and was available for questions. The agent requested to rezone approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD) for property located on the west side of 183A Toll Road and north of East New Hope Drive. The site is currently undeveloped and serves as the main entryway to the Cedar Park Center. Staff recommended approval of the Planned Development as proposed. The applicant was present and available for questions.

A public hearing was held on the above item. The following person completed a Recognition Card requesting to speak in opposition of the rezoning request: 1) Clayton Holmes. There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding lighting and noise issues.

MOTION: Commissioner Dion moved to recommend approval to the City Council of rezoning approximately 19.47 acres from Open Space Recreation (OSR) to Planned Development (PD) for property located on the west side of 183A Toll Road and north of East New Hope Drive (Z-13-016) as recommended by staff. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.

MOTION: Commissioner Dion moved to accept the Preliminary Report with the Commission's recommendation as the Final Report for Item 8C, Case Z-13-016. Commissioner Brent seconded the motion. The motion passed unanimously, 6-0, with one absent.

9. FUTURE LAND USE PLAN AMENDMENTS:

- A Future Land Use Amendment for property located near the southwest corner of South Lakeline Boulevard and Old Mill Road (related to Z-13-007).

Item was postponed to September 17, 2013. See Item 6.

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- B. Future Land Use Amendment for property located on the east side of Bagdad Road, south of West New Hope Drive (related to Z-13-012).

Planning Manager Amy Link advised that staff supported the applicant's request to amend the Future Land Use (FLUP) designation for Z-13-012 from approximately 60.53 acres of Neighborhood Office/Retail/Commercial to approximately 43.37 acres of Low Density Residential and approximately 17.16 acres of High Density Residential.

MOTION: Commissioner Dion moved to recommend approval to the City Council of amending the Future Land Use Plan for Case Z-13-012 as presented by Staff. Vice Chair Wernecke seconded the motion. The motion passed unanimously, 6-0, with one absent.

10. SUBDIVISIONS (ACTION AND PUBLIC HEARING): NONE

11. CONDITIONAL USE SITE DEVELOPMENT (ACTION AND PUBLIC HEARING):

- A. Consider a request by Junior Volleyball Association of Austin to allow a Conditional Use Permit for Outdoor Sports and Recreation on approximately 3.75 acres located at 1401 Toro Grande Boulevard. (CUP-13-001)
Owner: Junior Volleyball Association of Austin
Agent: Daniel Mahoney, Bury and Partners
Staff Resource Person: Rian Amiton
Staff proposal to P&Z: Approve Conditional Use Permit
1) Public Hearing
2) P&Z Action

Planner Rian Amiton made the presentation and was available for questions. The applicant requested a Conditional Use Permit to allow for 'Outdoor Sports and Recreation' on 3.75 acres in a Commercial Services (CS) District for the property located at 1401 Toro Grande Boulevard. The site is currently undeveloped. Staff recommended approval of the applicant's request. Rian Amiton advised that the Planning and Zoning Commission was the final authority for Conditional Use Permits. Daniel Mahoney, the applicant's agent, was present to answer questions.

A public hearing was held on the above item. The following completed Recognition Cards requesting to speak on the rezoning request: 1) William Deicher (neither supported nor opposed), 2) Mike Koleber (supported), and 3) Darelle White (neither supported nor opposed). There being no further public testimony, the public hearing was closed and the regular session reopened.

There was general discussion among the Commissioners regarding lighting issues. They confirmed that access to Moore Lane would not be allowed.

MOTION: Commissioner Dion moved to approve the Conditional Use Site Development request for Case CUP-13-001 as recommended by staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

12. ORDINANCE AMENDMENT PUBLIC HEARINGS AND COMMISSION RECOMMENDATIONS:

- A. Consideration of a proposed revision to the Code of Ordinances, specifically to amend, Chapter 11, Article 11.02 Zoning Districts and Regulations, Division 18 Local Retail District, Section 11.02.146 Permitted Uses; and Division 19 General Retail District, Section 11.02.156 Permitted Uses; and Division 20 Commercial Services District, Section 11.02.164 Permitted Uses; and Division 38 Land Use Chart Comparison, Section 11.02.342 Zoning District Chart

Nonresidential Districts; and Article 11.12 Definitions, Section 11.12.002 Terms; to remove Gasoline Service Station, Limited as a permitted use and amend the Gasoline Service Station, General permitted use and definition. (OA-13-008)

1) Public Hearing

2) P&Z Recommendation to City Council

Planner Rian Amiton made the presentation and was available for questions. At the request of City Council, staff proposed the amendments to Chapter 11, Zoning, to remove gas stations as a permitted use in the Local Retail (LR) zoning district. There was general discussion among the Commissioners regarding the proposed amendments.

A public hearing was held on the above item. There being no public testimony, the public hearing was closed and the regular session reopened.

MOTION: Commissioner Rogers moved to approve Ordinance Amendment OA-13-008 as presented by staff. Secretary Hogue seconded the motion. The motion passed unanimously, 6-0, with one absent.

13. DISCUSSION AND POSSIBLE ACTION: **None.**

14. ADMINISTRATIVE ITEMS:

(Commissioners and staff may discuss items related to the Commission's general duties and responsibilities. The Commission may not take a vote.)

A. Report on City Council Actions Pertaining to Zoning Matters from July 25th and August 8th.

Planning Manager Amy Link advised that Case Z-13-008 was approved at the July 25th meeting. Case Z-13-013 was on the August 8th agenda for a first reading and public hearing. Case ANX-13-001 was on the agenda for a first public hearing. Case Z-13-010 was postponed to September 12, 2013.

B. Director and Staff Comments. **None.**

C. Commissioners Comments. **None.**

D. Request for Future Agenda Items.

Chair Kauffman asked for the election of officers. Charles Rowland, City Attorney, advised that the following Commissioners were up for reappointment: Commissioner Rogers, Commissioner Dion, Chair Kauffman, and Commissioner Brent.

E. Designate Delegate to Attend Next Council Meetings on August 22nd and September 12th.

Commissioner Brent advised that he would attend the August 22nd Council meeting. Secretary Hogue advised that she would try to attend the September 12th Council meeting.

15. ADJOURNMENT

Chair Kauffman adjourned the meeting at 7:47 p.m.

PASSED AND APPROVED THE 17TH DAY OF SEPTEMBER, 2013.

NICHOLAS KAUFFMAN, Chairman

ATTEST:

HOLLY HOGUE, Secretary

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September 17, 2013	Planning and Zoning Commission	Item:#
Subdivision	Shops at Lakeline Village Section 3, Resubdivision of Lot 2	5A1
Case Number: SFP-13-009		

OWNER: Becky Ltd.

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: South Lakeline Boulevard and Little Elm Trail

COUNTY: Williamson

AREA: 5.56 acres

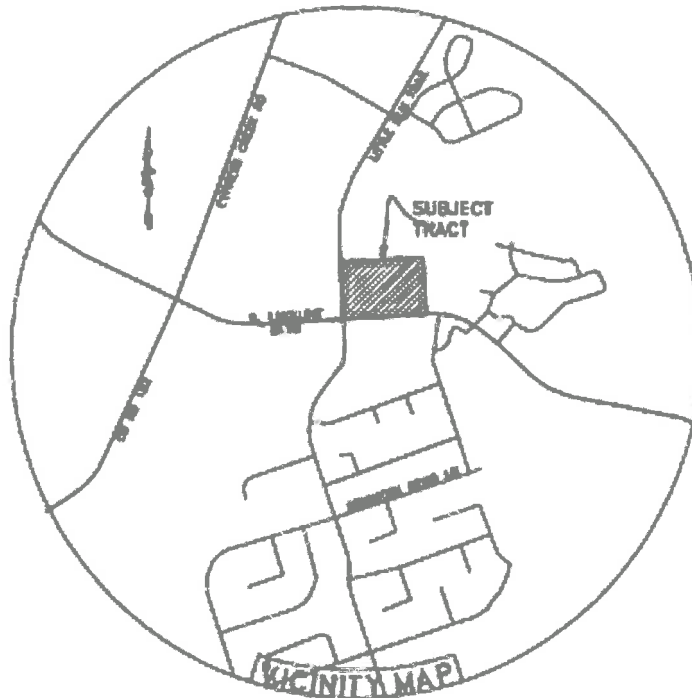
ZONING: LR

SUBDIVISION DESCRIPTION: 2 commercial lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



September 17, 2013 Subdivision	Planning and Zoning Commission Shops at Park Street	Item:# 5A2
Case Number: SFP-13-010		

OWNER: Carolville, Ltd.

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: East Park Street and North Vista Ridge Boulevard

COUNTY: Williamson

AREA: 7.51 acres

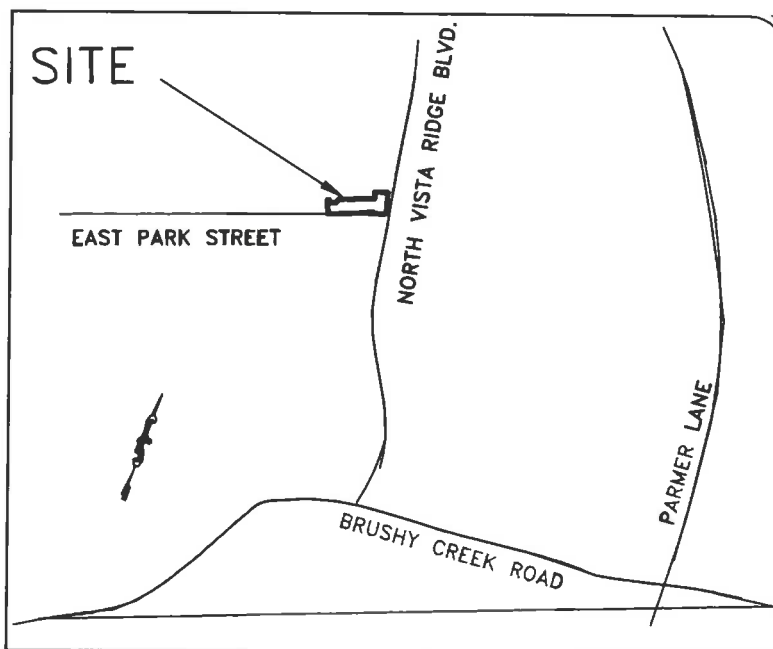
ZONING: LR and GR

SUBDIVISION DESCRIPTION: 3 commercial lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



September 17,
2013

Subdivision

Planning and Zoning Commission
**Lakewood Country Estates Phase One,
Resubdivision of Lot 3 Block D**

**Item:#
5A3**

Case Number: SFP-13-011

OWNER: Cecil and Norma Holder

STAFF: Rian Amiton, 512-401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Located on Lakewood Trail, north of Oakwood Trail in the City's ETJ

COUNTY: Williamson

AREA: 5.02 acres

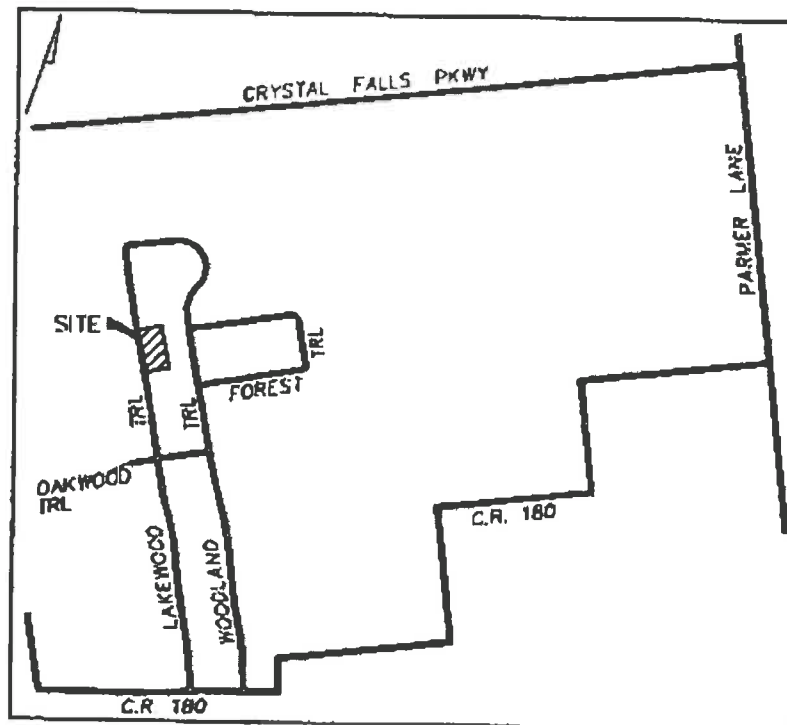
ZONING: N/A

SUBDIVISION DESCRIPTION: 2 residential lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



September 17,
2013

Subdivision

Planning and Zoning Commission
**Cedar Park Ranchettes Unit Four,
Amended Plat of Lots 14 & 15**

**Item:#
5A4**

Case Number: FPD-13-006

OWNER: Jerry and Aida Castillo

STAFF: Amy Link, 512-401-5056, amy.link@cedarparktexas.gov

LOCATION: 306 & 308 North Cougar Avenue

COUNTY: Williamson

AREA: 0.95 acres

ZONING: MH

SUBDIVISION DESCRIPTION: 2 residential lots

STAFF COMMENTS:

In order to address the statutory requirements of the Texas Local Government code this application has been scheduled on the Planning and Zoning Commission agenda. Staff is recommending an action of disapproval at this time as the application has not yet been fully reviewed.

Disapproval of the plat at this time shall not bias future consideration of the application.



September 17,
2013

Subdivision

Planning and Zoning Commission

Lakeline at Old Mill

Item:#
5B1

Case Number: PP-13-003

OWNER: Brooke LTD and Property Fund #2 LTD

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: East side of South Lakeline Boulevard at Old Mill Road

COUNTY: Williamson

AREA: 37.59 acres

ZONING: CD and LR

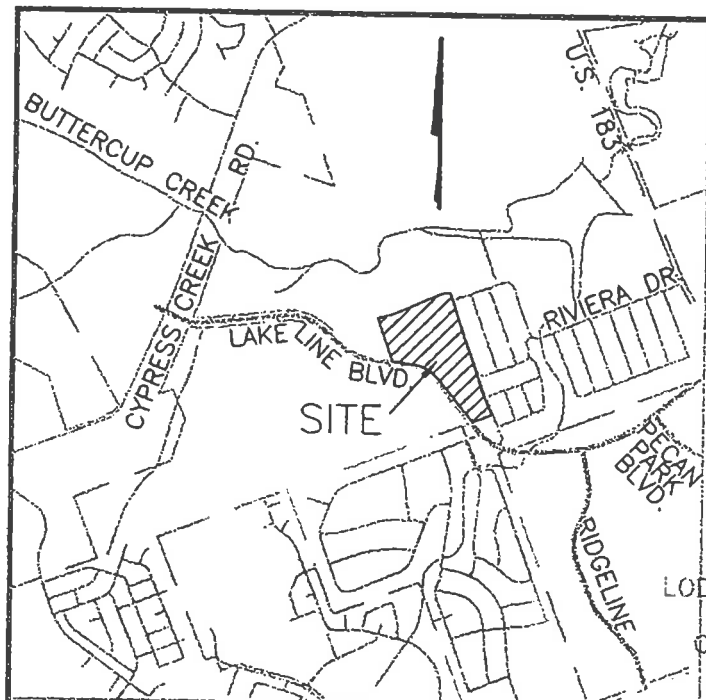
SUBDIVISION DESCRIPTION: 2 commercial lots and 2 residential lots with a 60 foot right-of-way for an extension of Old Mill Road

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17,
2013

Subdivision

Planning and Zoning Commission

Lakeline at Old Mill

Item:#
5B2

Case Number: FP-13-004

OWNER: Brooke LTD and Property Fund #2 LTD

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktx.gov

LOCATION: North side of South Lakeline Boulevard at Old Mill Road

COUNTY: Williamson

AREA: 37.59 acres

ZONING: LR and CD

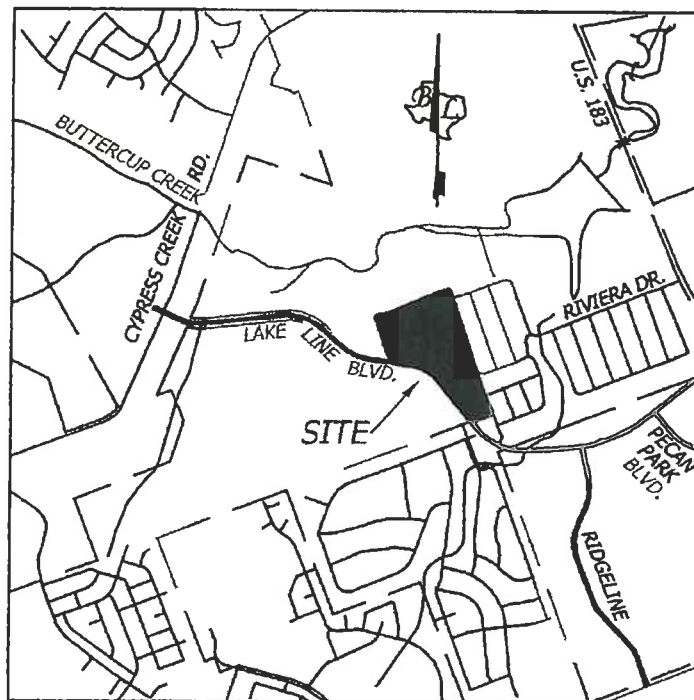
SUBDIVISION DESCRIPTION: 4 lots and a 60 foot right-of-way for an extension of Old Mill Road

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17,
2013

Subdivision

Planning and Zoning Commission

Cypress Corner Section 2

Item:#
5B3

Case Number: PP-12-003

OWNER: TS-SD III LTD

AGENT: Lee Miks, Pohl Partners

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Located at the southeast corner of Cypress Creek Road and Alexis Drive

COUNTY: Williamson

AREA: 3.63 acres

ZONING: GR

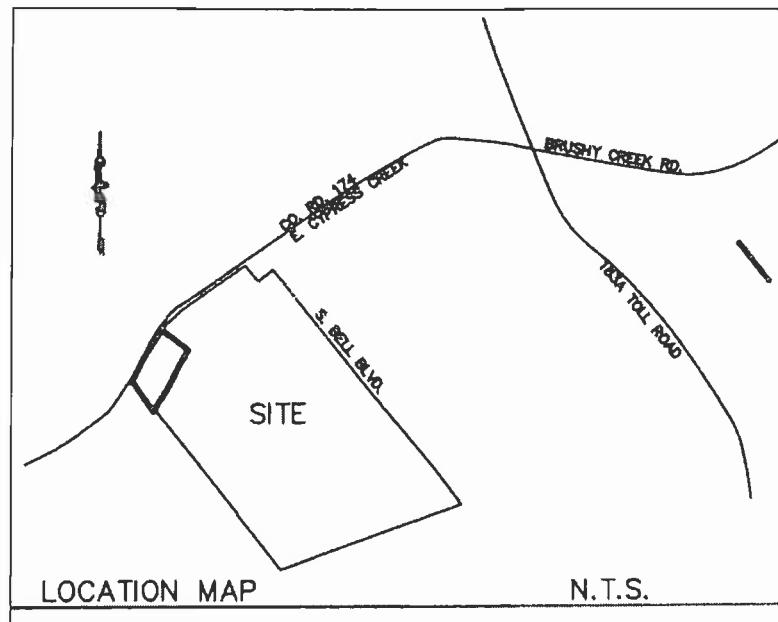
SUBDIVISION DESCRIPTION: 2 commercial lots

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17,
2012

Planning and Zoning Commission

Item:#

Subdivision

Cypress Corner Section 2

5B4

Case Number: FP-12-002

OWNER: TS-SD III LTD

AGENT: Lee Miks, Pohl Partners

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Located at the southeast corner of Cypress Creek Road and Alexis Drive

COUNTY: Williamson

AREA: 3.63 acres

ZONING: GR

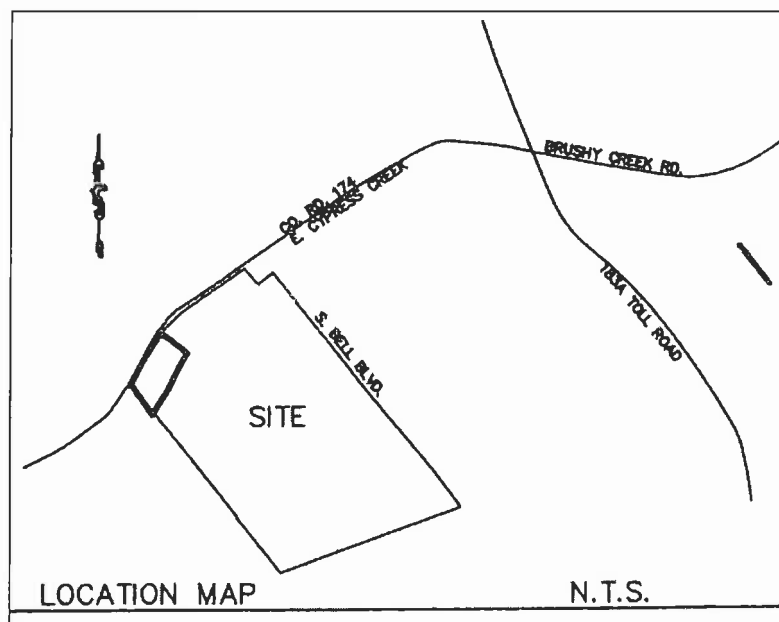
SUBDIVISION DESCRIPTION: 2 commercial lots

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17,
2013

Subdivision

Planning and Zoning Commission

Colonial Park at Vista Ridge

Item:#
5B5

Case Number: SFP-13-004

OWNER: Carolville, LTD

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktxas.gov

LOCATION: Northeast corner of Vista Ridge Boulevard and Colonial Parkway

COUNTY: Williamson

AREA: 1.26 acres

ZONING: GR

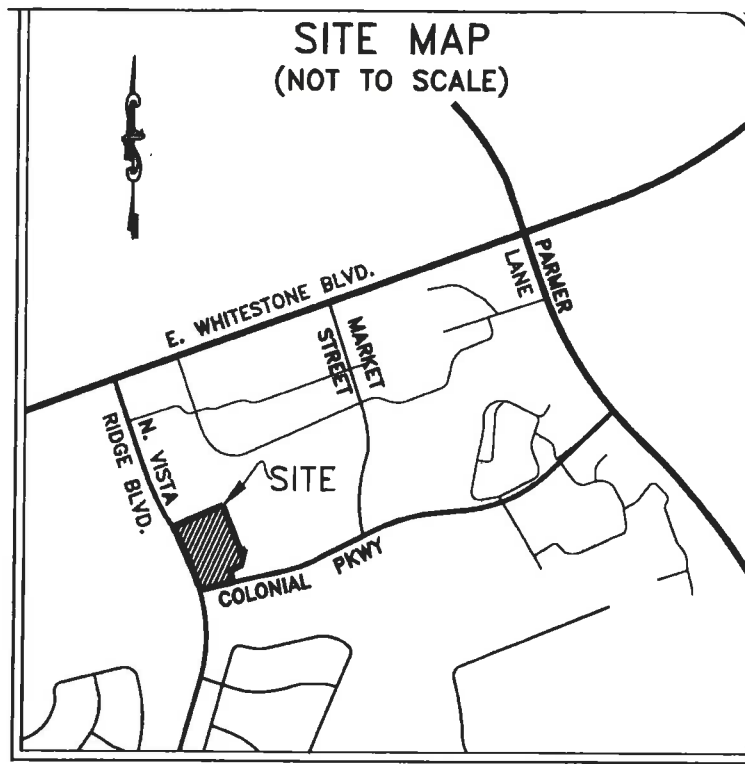
SUBDIVISION DESCRIPTION: 1 commercial lot

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17, 2013	<i>Planning and Zoning Commission</i>	Item:#
Subdivision	LISD Silverado East	5B6
Case Number: FP-13-003		

OWNER: Leander Independent School District

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktx.gov

LOCATION: Southwest corner of Ranch Trails and South Frontier Lane

COUNTY: Williamson

AREA: 23.21 acres

ZONING: MU and OSG

SUBDIVISION DESCRIPTION: 2 lots and a 60 foot right-of-way for an extension of Hidden Oak Way

STAFF COMMENTS:

This subdivision meets all state and local requirements.

STAFF RECOMMENDATION:

Approve plat.



September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> Cedar Park Town Center	Item: 6A
Case Number: # Z-13-006		

OWNER: Continental Homes of Texas, LP

AGENT: James Brewer, Gray Engineering Inc.

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: 183A Toll Road, south of East New Hope Drive

COUNTY: Williamson

AREA: 42.9 acres

Staff is requesting a postponement of this rezoning request to October 15, 2013 to allow additional time to meet with the applicant and Town Center neighborhood.

The applicant is agreeable with the postponement.



September 17,
2013
Zoning

Planning and Zoning Commission
Old Mill Village

Item:
6B

Case Number: # Z-13-007

OWNER: 183 BLW LP

AGENT: James Brewer, Gray Engineering Inc.

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Old Mill Road and South Lakeline Boulevard

COUNTY: Williamson

AREA: 10.72 acres

The Applicant has requested a postponement of their request until October 15, 2013.



September 17,
2013
Zoning

Planning and Zoning Commission
Ann Seaman

Item:
6C

Case Number: # Z-13-015

OWNER: Ann Seaman

AGENT: Kristiana Alfsen, Pohl Partners

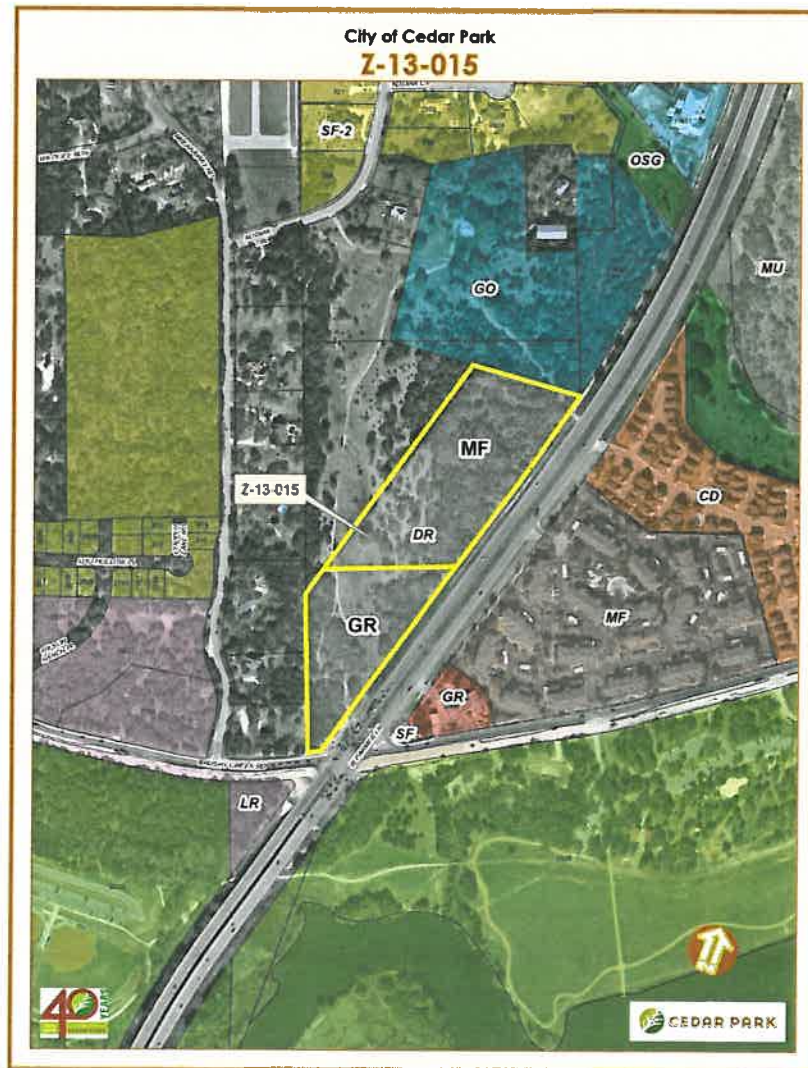
STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Northwest corner of West Parmer Lane and Brushy Creek Road

COUNTY: Williamson

AREA: 13.16 acres

The applicant has requested a postponement of their request until November 19, 2013. They will be adding additional acreage to the request.



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September 17,
2013
Zoning

Planning and Zoning Commission
East Park & Vista Ridge

Item:
7A & 8A

Case Number: Z-13-017

OWNER/APPLICANT: Carolville, Ltd.

AGENT: City of Cedar Park

STAFF: Rian Amiton, 401-5054, rian.amiton@cedarparktexas.gov

LOCATION: Northwest corner of East Park Street and Vista Ridge Boulevard

COUNTY: Williamson County

AREA: 3.24 acres

EXISTING ZONING: General Retail (GR)

PROPOSED ZONING: Local Retail (LR)

STAFF RECOMMENDATION: Local Retail (LR)

EXISTING FUTURE LAND USE PLAN DESIGNATION:

Neighborhood Retail/Office/Commercial

SUMMARY OF APPLICANT'S REQUEST:

The Applicant's request is to rezone a total of approximately 3.24 acres from General Retail (GR) to Local Retail (LR).

EXISTING SITE and SURROUNDING LAND USES:

The site is located at the corner of two minor arterial roadways. It is bordered to the north by single family residences, and to the west by undeveloped property zoned Local Retail. To the south is Gupton Stadium. To the east are recreational facilities associated with Henry Middle School, which is located on the east side of Vista Ridge Boulevard.

September 17,
2013
Zoning

Planning and Zoning Commission
East Park & Vista Ridge

**Item:
7A & 8A**

Case Number: Z-13-017



September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> East Park & Vista Ridge	Item: 7A & 8A
Case Number: Z-13-017		

PURPOSE OF REQUESTED ZONING DISTRICT:

The Local Retail District, LR, is established to provide for office and retail businesses that are intended to serve the overall community, with a larger market than the immediate neighborhoods in the area. In order to accommodate the traffic generated from these businesses without negatively impacting the residential neighborhoods, these uses should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections. These uses generally serve a larger market than businesses found in a TC District; yet generally serve a local market opposed to the regional market served by uses in a GR District.

PERMITTED USES IN LR:

- Art galleries with retail sales
- Automated Teller Machines
- Automobile parts and accessories sales
- Bakery, retail
- Banks (with or without drive-through facilities)
- Bed and Breakfast
- Community center
- Consumer repair shop (including bicycles)
- Convenience store
- Day care center, adult
- Day care center, child
- Dry cleaning and/or laundry, on-site
- Drugstores
- Food sales, general (grocery store)
- Food sales, limited
- Gasoline service stations, limited
- Golf, amusement
- Hardware stores
- Instant print copy services
- Landscape nursery and supply store, retail
- Laundromat
- Liquor store
- Movie and music rentals, sales
- Non-Emergency Medical Transport Service (Conditional)
- Nonprofit seasonal fundraisers
- Personal Improvement Services
- Personal Improvement Services, Limited
- Personal services, general
- Pet grooming
- Rental libraries for sound and video recordings
- Research and development activities (as it pertains to software only)
- Restaurant, general
- Retail gift store
- Retail stores
- Studios/art studio, dance, music, drama, gymnastics, photography, interior design
- Software sales, computer hardware sales
- Vocational or trade school
- Veterinary Services

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area for Neighborhood Office/Retail/Commercial, with compatible zoning districts of General Office (GO), Local Retail (LR), Transitional Commercial (TC), Transitional Office (TO), and Mixed Use (MU).

The Applicant's request complies with the FLUP. No change in the FLUP would be necessary.

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September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> East Park & Vista Ridge	Item: 7A & 8A
Case Number: Z-13-017		

COMPREHENSIVE PLAN:

The request for LR is in compliance with these goals of the Comprehensive Plan:

4.1.1 Quality of Life/Civic Character Goals

- Generate a strong sense of civic pride by fostering a hometown sense of place, character and quality.

4.1.5 Urban Growth and Infrastructure Goals

- Establish a comprehensive land use and zoning strategy that provides a greater diversity of use classifications for convenience and accessibility, while preserving neighborhoods through compatibility design standards.

SITE INFORMATION:

Corridor Overlay:

East Park Street and North Vista Ridge Boulevard are both corridor roadways. The site is completely within the Corridor Overlay (CO).

Transportation:

East Park Street is classified as a minor arterial roadway. In 2012, the traffic count on Park Street, west of Vista Ridge was 6,169 vehicles per day.

North Vista Ridge Boulevard is classified as a minor arterial roadway. In 2008, the traffic count on Vista Ridge, south of 1431 was 7,177 vehicles per day.

Subdivision:

The property is not yet platted.

Setback Requirements:

	LR
Front Setback	25'
Side Setback	12'
Side Setback Adjacent to Public Street	20'
Rear Setback	5'

Architectural Requirements:

The LR district requires 100% masonry construction on building exteriors, exclusive of doors and windows.

Case History:

Case Number	Request	P&Z Recommendation	Council Action
Z-01-025	DR to SF-3	Recommended SF-3	Approved SF-3
Z-04-023	SF-3 to GR	Recommended GR	Approved GR

September 17,
2013

Zoning

Planning and Zoning Commission

East Park & Vista Ridge

**Item:
7A & 8A**

Case Number: Z-13-017

STAFF COMMENTARY:

The site sits at the intersection of two minor arterial roadways and abuts a single-family subdivision to the north. It was zoned General Retail (GR) in 2004, when the Future Land Use Map (FLUM) identified it for high intensity development. However, the current FLUM identifies the site for Neighborhood Office/Retail/Commercial. GR does not comply with this FLUM designation.

Moreover, this site does not meet the criteria of the GR purpose statement "to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods". Local Retail (LR), which "should be located primarily at pulse points or activity nodes where collector streets and arterial roadways intersect or at arterial roadway intersections", is a more appropriate zoning designation for this corner.

The following uses which are permitted in GR are not permitted in LR:

- Automobile sales, new
- Automotive sales, used
- Automobile repair shop
- Automotive tire stores
- Bar, Cocktail Lounge
- Car washes; all types
- Civic clubs and fraternal organizations
- Commercial parking lots
- Equipment rental, sales, service and/or repair
- Funeral home
- Furniture store
- Gasoline service stations, general
- Home improvement center (with portable building sales as an accessory use only)
- Hotel
- Hotel, extended stay
- Indoor sports and recreation
- Motel
- Office/showrooms
- Office/warehouse
- Personal improvement services, general
- Reception hall
- Special events
- Theatres, indoor
- Theatres, outdoor
- Transit station
- Non-Emergency Medical Transport Service

STAFF RECOMMENDATION:

Staff recommends approval of the Applicant's request for LR zoning.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY:

Not received.

PUBLIC INPUT: To date, staff has not received any public input on this application.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 4, 2013

September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> East Park & Vista Ridge	Item: 7A & 8A
Case Number: Z-13-017		

34 letter notices were sent to property owners within the 300' buffer of the initial rezoning request

PROPOSED CITY COUNCIL HEARINGS: (October 24, 2013) 1ST Reading
(November 7, 2013) 2ND Reading

September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> Acme Brick	Item: 7B & 8B
Case Number: # Z-13-018		

OWNER: Acme Brick

AGENT: Danny Miller, LJA Engineering

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: East side of Bagdad Road, south of West New Hope Drive

COUNTY: Williamson

AREA: 48.67 acres

EXISTING ZONING: Light Industrial (LI)

PROPOSED ZONING: General Retail (GR)

STAFF RECOMMENDATION: General Retail with a Conditional Overlay (GR-CO) prohibiting the following uses: Automobile sales (new and used), Automobile repair shops, Car washes, all types, Equipment rental, sales, service and repair, Non-emergency medical transport, Day care center (adult and child), Private schools, Wireless telecommunications facilities and Laundromat

EXISTING FUTURE LAND USE DESIGNATION: Employment Center

PROPOSED FUTURE LAND USE DESIGNATION: Regional Office/Retail/Commercial

SUMMARY OF REQUEST:

The applicant is requesting to rezone approximately 48.67 acres from Light Industrial (LI) to General Retail (GR).

EXISTING SITE and SURROUNDING USES:

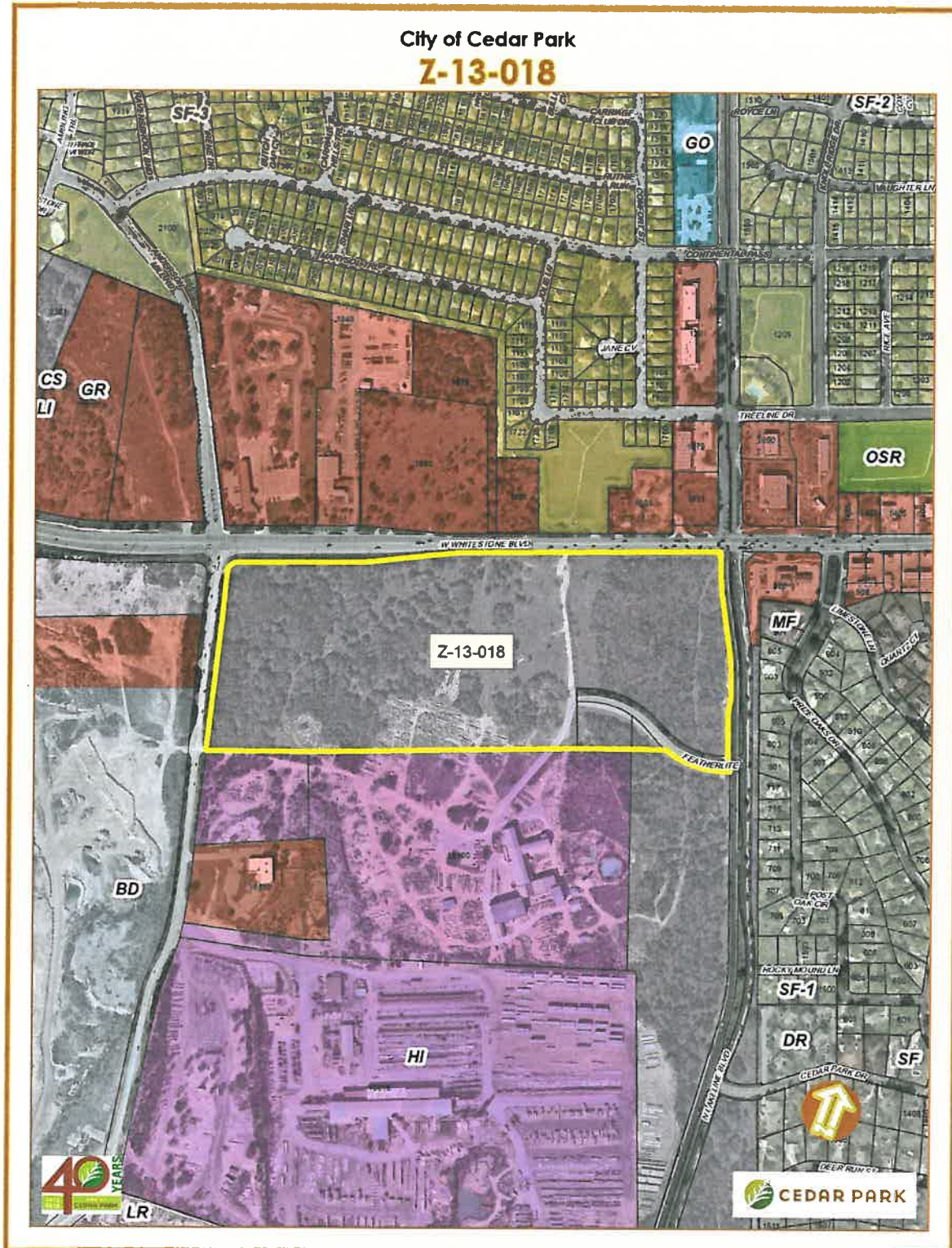
The site is currently undeveloped and is bounded by West Whitestone Boulevard to the north, Lakeline Boulevard to the east, the existing Coreslab industrial use zoned Heavy Industrial (HI) to the south and Anderson Mill Road to the west.

September 17,
2013
Zoning

Planning and Zoning Commission
Acme Brick

Item:
7B & 8B

Case Number: # Z-13-018



September 17,
2013
Zoning

Planning and Zoning Commission
Acme Brick

Item:
7B & 8B

Case Number: # Z-13-018

PURPOSE OF REQUESTED ZONING DISTRICT:

The General Retail District, GR, is established to provide for business activities that are typically large in scale and are designed to serve the community and the region without negatively impacting the residents of the single-family neighborhoods. This is accomplished by locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways. The GR District allows for more intensive retail, office, and limited commercial land uses under architectural standards that result in consumer-oriented, quality development that promotes economic development and regional enterprise in a positive and sustainable manner for the City.

PERMITTED USES IN GR DISTRICT:

GR Permitted Uses:

Accessory structures
Administrative offices
Art galleries with retail sales
Art gallery
Automated Teller Machines
Automobile parts and accessories sales
Automobile repair shop
Automobile sales new
Automotive sales used
Automotive tire stores
Bakery retail
Banks (with or without drive-through facilities)
Bar Cocktail Lounge
Bed and Breakfast
Car washes; all types
Civic clubs and fraternal organizations
Commercial parking lots
Community center
Consumer repair shop (including bicycles)
Convenience store
Day care center adult
Day care center child
Day care center incidental
Drugstores
Dry cleaning and/or laundry on-site
Equipment rental sales service and/or repair
Food sales general (grocery store)
Food sales limited
Funeral home
Furniture store

Gasoline service stations general
Gasoline service stations limited
Golf amusement
Hardware stores
Home improvement center (with portable building sales as an accessory use only)
Hotel extended stay
Hotel
Indoor sports and recreation
Instant print copy services
Landscape nursery and supply store retail
Laundromat
Liquor store
Medical offices
Motel
Movie and music rentals sales
Non-Emergency Medical Transport Service
Non-Emergency Medical Transport Service (Conditional)
Nonprofit seasonal fundraisers
Office/showrooms
Office/warehouse
Personal Improvement Services
Personal improvement services general
Personal Improvement Services Limited
Personal services general
Pet grooming
Places of worship
Private schools
Professional offices
Public buildings uses

September 17, 2013 Zoning	Planning and Zoning Commission Acme Brick	Item: 7B & 8B
Case Number: # Z-13-018		

Reception hall
Rental libraries for sound and video recordings
Research and development activities (as it pertains to software only)
Restaurant general
Retail gift store
Retail stores
Software development
Software sales computer hardware sales
Special events

Studios/art studio dance music drama
gymnastics photography interior design
Temporary buildings
Theatres indoor
Theatres outdoor
Transit station
Utility services general
Veterinary Services
Vocational or trade school
Wireless telecommunications facilities

FUTURE LAND USE PLAN:

The Future Land Use Plan (FLUP) identifies the subject area as suitable for employment center uses, compatible with the following zoning districts: General Office (GO), Business District (BD), Light Industrial (LI) and Hospital (H).

The applicant's request for GR zoning does not comply with the FLUP. The GR request is compatible with a regional office/retail/commercial designation, which allows such zoning districts as General Office (GO), General Retail (GR) and Mixed Use (MU).

A FLUP amendment is being processed concurrently with this zoning application. See agenda item 9A.

COMPREHENSIVE PLAN:

The applicant's request supports the following goals of the Comprehensive Plan:

4.1.6 Economic Development Goals:

- Attract commercial development to Cedar Park in order to reduce tax burden on residential property.
- Diversify and broaden Cedar Park's economic base to keep up with anticipated growth while both keeping taxes competitive and maintaining a high level of City services.
- Improve the tax base of the City by expanding the industrial and commercial base to promote a healthy economic environment.
- Encourage retail growth within the City that will meet the needs of its citizens and provide increased sales tax revenues.

SITE INFORMATION:

Corridor Overlay:

This tract is located within the Corridor Overlay.

September 17, 2013 Zoning	Planning and Zoning Commission Acme Brick	Item: 7B & 8B
Case Number: # Z-13-018		

Transportation:

West Whitestone Boulevard is classified as a major arterial. Daily traffic counts on West Whitestone Boulevard, west of Lakeline Boulevard were 24,048 vehicle trips per day in 2008.

Lakeline Boulevard is also classified as a major arterial and carried 22,927 vehicle trips per day north of Buttercup Creek Boulevard in 2012.

Anderson Mill Road is classified as a major arterial south of West Whitestone Boulevard. In 2012, the daily traffic volumes were 10,406 vehicles per day.

Featherlite Drive is classified as an industrial collector. This roadway is identified on the City's Collector Plan to extend to Anderson Mill Road in the future.

Water and Wastewater Utilities:

Water and wastewater facilities are available and adequate to serve the proposed development.

Subdivision:

The property is not currently platted.

Setback and Height Requirements:

	General Retail (GR)
Front setback	25'
Side setback	12'
Side setback at street	25'
Rear setback	5'
Rear setback at street	25'
Maximum Height	100'

Architectural Requirements:

All building exteriors within the GR district require 100% masonry construction on all exterior walls, exclusive of doors and windows.

Case History:

Case #	Request	P&Z Recommendation	CC Action
Z-94-023	Original zoning of Light Industrial (LI)	Recommended LI	Approved LI

35

September 17,
2013
Zoning

Planning and Zoning Commission
Acme Brick

Item:
7B & 8B

Case Number: # Z-13-018

STAFF COMMENTARY:

The site was originally annexed into the city and zoned in 1994. Since that time, the subject tract has remained undeveloped.

The applicant's request for GR zoning is consistent with the purpose statement of the district to "provide for business activities that are typically large in scale and are designed to serve the community and the region...locating these uses at pulse points or activity nodes located at the intersection of arterial roadways, or at pulse points with direct access to major arterial roadways." The tract is bounded on three sides by major arterials, Lakeline Boulevard, West Whitestone Boulevard and Anderson Mill Road. The tract is large in scale and would support intensive retail, office and limited commercial land uses.

Although not compliant with the FLUP, the request does support the economic development goals of the Comprehensive Plan. The request is further supported by the fact that the GR district promotes economic development and regional enterprise. A FLUP amendment is proposed in conjunction with this request. Please refer to item 9A.

Discussions are currently ongoing with our Economic Development Department regarding potential reimbursements for infrastructure improvements to recapture land within the tract that is currently undevelopable due to existing floodplain in the area. To ensure the promotion of quality economic development for this tract, staff is recommending a conditional overlay be added to the GR request that would prohibit the following uses:

- Automobile sales (new and used)
- Automobile repair shops
- Car washes
- Equipment rental, sales, service and repair
- Non-emergency medical transport
- Day care center (adult and child)
- Private schools
- Wireless telecommunications facilities
- Laundromat

STAFF RECOMMENDATION:

Staff recommends approval of the applicant's request for GR zoning with the addition of a conditional overlay to prohibit Automobile sales (new and used), Automobile repair shops, Car washes, Equipment rental, sales, service and repair, Non-emergency medical transport, Day care center (adult and child), Private schools, Wireless telecommunications facilities and Laundromat.

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September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> Acme Brick	Item: 7B & 8B
Case Number: # Z-13-018		

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not required

PUBLIC INPUT: To date, no public input has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 4, 2013
21 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 24, 2013) 1ST Reading
(November 7, 2013) 2ND Reading

September 17,
2013
Zoning

Planning and Zoning Commission
Twin Lakes Park

Item:
7C & 8C

Case Number: # Z-13-019

OWNER: Texas Park and Wildlife Department

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Near the southeast corner of South Bell Boulevard and East Little Elm Trail

COUNTY: Williamson

AREA: 34.08 acres

EXISTING ZONING: Development Reserve (DR)

PROPOSED ZONING: Open Space Recreation (OSR)

STAFF RECOMMENDATION: Open Space Recreation (OSR)

EXISTING FUTURE LAND USE DESIGNATION: Parks and Open Space

SUMMARY OF REQUEST:

This is a city initiated request to assign original zoning of Open Space Recreation to approximately 34.08 acres located near the southeast corner of South Bell Boulevard and East Little Elm Trail.

EXISTING SITE and SURROUNDING USES:

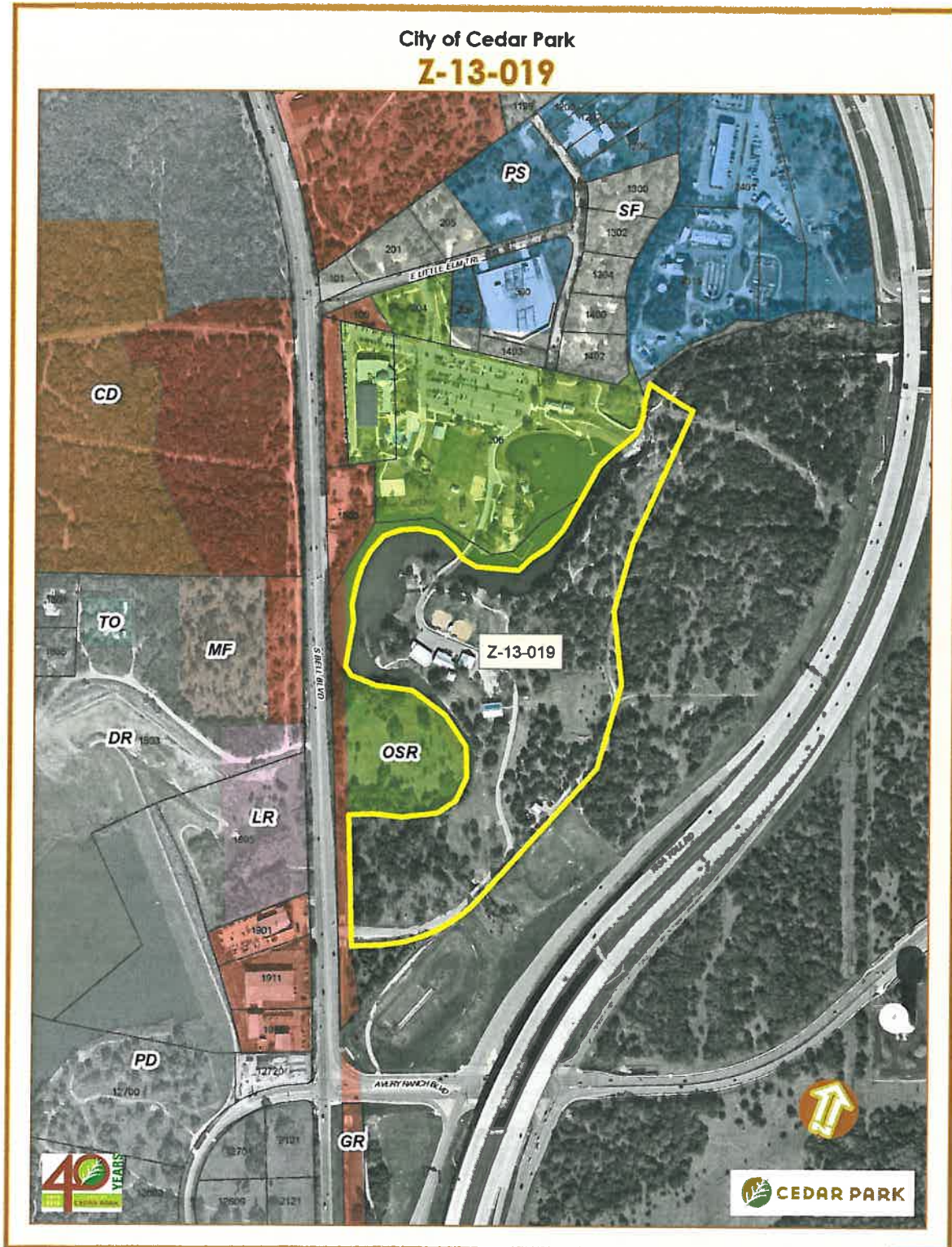
The site is currently developed as Twin Lakes Park and the YMCA. South Bell Boulevard creates the western boundary, property within the City of Austin bounds the property to the east and south and the existing YMCA facility is located north of the tract.

September 17,
2013
Zoning

Planning and Zoning Commission
Twin Lakes Park

Item:
7C & 8C

Case Number: # Z-13-019



September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> Twin Lakes Park	Item: 7C & 8C
Case Number: # Z-13-019		

PURPOSE OF REQUESTED ZONING DISTRICT:

The Open Space Recreation District, OSR, is established to implement the goals of the Comprehensive Plan to develop and implement a system of parks and recreational opportunities throughout the community that responds to the broad variety of recreational needs of the different age groups and interests of people residing in all areas of the City.

PERMITTED USES IN THE OSG DISTRICT:

Historic Landmarks, limited (buildings and or structures only)
 Passive outdoor sports and recreation
 Parking lot, accessory (Publicly owned parking areas constructed only for public access to a greenbelt or park area)
 Utility services, local
 Outdoor sports and recreation
 Parks, playgrounds, community buildings, recreation centers and other public recreational facilities and activities
 Public restrooms, storage facilities, (as part of the principal building and/or in separate buildings as accessory uses to the principal permitted use only)
 Retention, detention and water quality ponds
 Temporary buildings
 Accessory structures

FUTURE LAND USE PLAN:

The existing Twin Lakes Park is currently identified on the Future Land Use Plan (FLUP) as suitable for Parks and Open Space, compatible with the Open Space Greenbelt (OSG) and Open Space Recreation (OSR) zoning designations.

The OSR request is compatible with the FLUP.

COMPREHENSIVE PLAN:

The request supports the following goals of the Comprehensive Plan:

4.1.1 Quality of Life Goals:

- Create a complete community where residents not only sleep, but also work, shop, eat, exercise, play and pray.
- Foster a sense of belonging to the community as a whole, bringing together and representing all neighborhoods to reach city-wide visions.

4.1.4 Parks and Open Space Goals

- Develop a system of parks and open spaces that address the needs of the residents of Cedar Park as well as draw visitors and businesses to Cedar Park

September 17, 2013 Zoning	<i>Planning and Zoning Commission</i> Twin Lakes Park	Item: 7C & 8C
Case Number: # Z-13-019		

SITE INFORMATION:

Corridor Overlay:

This tract is partially located within the Corridor Overlay.

Transportation:

South Bell Boulevard is classified as a major arterial and carried approximately 40,271 vehicles per day in 2012.

Water and Wastewater Utilities:

Water and wastewater facilities are available and adequate to serve the proposed development.

Subdivision:

The property is not currently platted.

Setback and Height Requirements:

	Open Space Recreation (OSR)
Front setback	25'
Side setback	12'
Rear setback	10'

Architectural Requirements:

All building exteriors within the OSR district require 100% masonry construction on all exterior walls, exclusive of doors and windows.

STAFF COMMENTARY:

The subject tract currently exists as Twin Lakes Park and YMCA. An annexation of this area into the full purpose city limits of Cedar Park is currently underway and is scheduled for completion on September 26, 2013. This rezoning request has been initiated by the City in conjunction with the annexation request.

The OSR designation is consistent with the purpose statement of the district, as it will provide a "...system of parks and recreational opportunities throughout the community that responds to the broad variety of recreational needs of the different age groups and interests of people residing in all areas of the City."

The request complies with the goals of the Comprehensive Plan and is supported by the FLUP.

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2013
Zoning

Planning and Zoning Commission
Twin Lakes Park

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7C & 8C

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STAFF RECOMMENDATION:

Staff recommends approval of original zoning of OSR.

APPLICANT'S NEIGHBORHOOD COMMUNICATION SUMMARY: Not required

PUBLIC INPUT: To date, no public input has been received.

PUBLIC NOTIFICATION: Cedar Park-Leander Statesman September 4, 2013
7 letter notices were sent to property owners within the 300' buffer

PROPOSED CITY COUNCIL HEARINGS: (October 24, 2013) 1ST Reading
(November 7, 2013) 2ND Reading

August 20, 2013

Planning and Zoning Commission

Item:
9A

Future Land
Use Plan
Amendment

Acme Brick

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

In conjunction with the rezoning request known as Acme Brick (Z-13-018), the applicant has requested the following amendment to the Future Land Use Plan (FLUP):

Amend the Future Land Use map for approximately 48.67 acres located at 1800 West Whitestone Boulevard from Employment Center to Regional Office/Retail/Commercial.

The employment center designation is compatible with the following zoning districts: General Office (GO), Business District (BD), Light Industrial (LI) and Hospital (H).

The applicant's request for GR zoning requires a regional office/retail/commercial designation, which allows such zoning districts as General Office (GO), General Retail (GR) and Mixed Use (MU).

Staff is supportive of the applicant's request. The regional FLUP designation is supported by the goals of the comprehensive plan and is consistent with the purpose statement of the GR district. The site is surrounded by three major arterial roadways and provides for vital economic development at a major gateway to the city.

Below is a summary of how the proposed amendment will affect the land use percentages currently established on the FLUP.

Land Use	Current Area/Percentage		Proposed Amendment/ Percentage		% Change
Employment Center	1387.17 acres	7.18%	1338.5 acres	6.93%	-0.25%
High Density Residential	368.94 acres	1.91%	368.94 acres	1.91%	0%
Industrial	328.39 acres	1.7%	328.39 acres	1.7%	0%
Institutional/Public/Utility	982.73 acres	5.09%	982.73 acres	5.09%	0%
Low Density Residential	9360.08 acres	48.45%	9360.08 acres	48.45%	0%
Medium Density Residential	331.86 acres	1.72%	331.86 acres	1.72%	0%
Neighborhood Office/Retail/Commercial	2142.61 acres	11.09%	2142.61 acres	11.09%	0%
Parks and Open Space	2303.22 acres	11.92%	2303.22 acres	11.92%	0%
Regional Office/Retail/Commercial	2116.01 acres	10.95%	2164.68 acres	11.2%	+0.25%

August 20, 2013

Future Land
Use Plan
Amendment

Planning and Zoning Commission

Acme Brick

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Subdivision	Dies Ranch Subdivision	10A
Case Number: SFP-13-001		

OWNER: Birdwell Investments, LLC and Robert Theriot

AGENT: Tom Groll, Tom Groll Engineering

STAFF: Amy Link, 401-5056, amy.link@cedarparktexas.gov

LOCATION: Northwest corner of Anderson Mill Road and Dies Ranch Road

COUNTY: Travis

AREA: 10.15 acres

ZONING: ETJ

SUBDIVISION DESCRIPTION: 2 commercial lots

The Dies Ranch Subdivision is being presented for approval. Prior to approval of the plat, the Commission must consider a variance to Chapter 12, Subdivision Ordinance, Section 12.12.003 (2) which requires that streets of a new subdivision shall be in line with existing streets in adjoining property except when, in the opinion of the planning and zoning commission, topography, requirements of traffic circulation or other considerations make it desirable to depart from such alignment. The applicant is requesting a variance to not extend Guara Court within the proposed subdivision.

Section 12.12.019 includes the Subdivision Ordinance's general variance provisions, which state:

No variance shall be granted unless the Planning and Zoning Commission finds that all of the following are met:

- (1) That there are special conditions unique to the property, such as lot size, shape, orientation, topography, or other physical features, that are not generally characteristic of other properties in the area; and
- (2) Due to these special conditions, strict application of this section would deprive the applicant of reasonable use of the property and result in an undue hardship; and
- (3) The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial; and
- (4) The variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and
- (5) Granting the variance will not be contrary to the public interest or detrimental to the public health, safety or welfare; and

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(6) Granting the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter; and

(7) Granting the variance would be within the spirit of this chapter and would result in substantial justice.

Staff Commentary:

The proposed two (2) lot commercial subdivision is located at the northwest corner of Anderson Mill Road and Dies Ranch Road. Guara Court, the subject of the variance request, is located on the north side of the subdivision and currently terminates prior to the northern property line of the subject tract. The following commentary summarizes staff's recommendation regarding the variance to not extend Guara Court into the proposed commercial subdivision.

(1) That there are special conditions unique to the property, such as lot size, shape, orientation, topography, or other physical features, that are not generally characteristic of other properties in the area; and

The proposed subdivision is a remainder tract oriented between two developed residential subdivisions. Topography in the area includes slopes between 10 and 20%. The property is located in the extra-territorial jurisdiction of Cedar Park, in which the City cannot control land use. The subdivision proposes two commercial lots. The orientation of the lots, topography in the area and proposed land use are not conducive for extension of Guara Court, a local residential street, into the commercial subdivision.

(2) Due to these special conditions, strict application of this section would deprive the applicant of reasonable use of the property and result in an undue hardship; and

The applicant wishes to construct a commercial development on Lot 2 of the proposed subdivision. Extension of a street within the lot would limit the developable area of the lot and would promote access to a commercial lot via a local, residential street.

(3) The undue hardship is not self-induced or created by the applicant, nor is it strictly pecuniary/financial; and

Guara Court was stubbed to the proposed subdivision when the Twin Creeks Country Club Section 4 subdivision was originally recorded in 2002. The assumption was that the proposed subdivision would become another residential development, where extension of a residential street would be expected. However, commercial development is proposed, and access to/from commercial property via a local residential street is not recommended.

(4) The variance is necessary for the preservation and enjoyment of substantial property rights of the applicant; and

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Extension of Guara Court would limit the developable area within the proposed subdivision.

- (5) Granting the variance will not be contrary to the public interest or detrimental to the public health, safety or welfare; and

It is not recommended that a residential street be extended into a proposed commercial development. The public interest would be preserved if the variance is granted, as the commercial tract would not be able to access the local residential street.

- (6) Granting the variance will not have the effect of preventing the orderly development of the applicant's land and/or land in the vicinity in accordance with the provisions of this chapter; and

The land surrounding this subdivision is currently developed as the Twin Creeks and Bella Vista residential subdivisions. Granting the variance will allow orderly development of the applicant's land.

- (7) Granting the variance would be within the spirit of this chapter and would result in substantial justice.

Granting the variance would be within the spirit of this chapter, as it is not recommended that commercial developments access local residential streets.

Staff Recommendation:

Staff supports the applicant's variance request and recommends approval of the street extension variance for Guara Court and subsequently, recommends approval of the plat.

Public Notification:

Newspaper notice was published in the Cedar Park-Leander Statesman on September 4, 2013.

54 letter notices were sent to property owners within 200 feet of the subject property.

To date, two written comments in opposition to the variance have been received and are attached for your information.

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You may send your written comments to the Planning Department, 450 Cypress Creek Road, Building 1, Cedar Park, Texas 78613 or via e-mail amy.link@cedarparktexas.gov (attention: *Subdivision File #: SFP-13-001*)

Name: Stephen & Angie Esparzo Address: 2507 Guara Drive

☐ I am in favor, this is why _____

☒ I am not in favor, and this is why it would be contrary to public interest and public health. It would be detrimental to public safety and welfare; especially children, there will be drainage problems, flooding problems and a horrible fire hazard. The lame idea of a fence going up will only compound these problems.

450 Cypress Creek Road | Cedar Park, Texas 78613 Office (512) 401.5000 | Fax (512) 258-6083 | www.cedarparktexas.gov

You may send your written comments to the Planning Department, 450 Cypress Creek Road, Building 1, Cedar Park, Texas 78613 or via e-mail amy.link@cedarparktexas.gov (attention: *Subdivision File #: SFP-13-001*)

Name: Stephen Kupec Address: 2502 Guara Drive, 78613

☐ I am in favor, this is why _____

☒ I am not in favor, and this is why _____

Closing off Guara Court as described

would increase chance of flooding in my property.

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Location Map



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Applicant's Variance Request

TGE Tom Groll Engineering

March 21, 2013

City of Cedar Park
Planning & Development Department
450 Cypress Creek Road, Bldg. 1
Cedar Park, TX 78613
Attn: Amy Link

Re: Variance request for Dies Ranch Subdivision (SFP-13-001).

Dear Ms. Link,

This letter is provided to request a variance from Chapter 12, Article 12.12.003(2) of the City of Cedar Park Code of Ordinances, which requires that "streets of a new subdivision shall be in line with existing streets in adjoining property except when, in the opinion of the planning and zoning commission, topography, requirements of traffic circulation or other considerations make it desirable to depart from such alignment." This variance request is justified by the following:

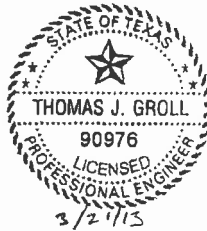
1. Guara Court is a public street within a single family development. The streets within the proposed Dies Ranch Storage project are private, and will not be designed as public streets.
2. The Dies Ranch Storage project will be surrounded by a masonry fence, the purpose of which is to screen the site from the view of the surrounding single family developments. The fence will be constructed across the area where Guara Court would extend into the site
3. The Dies Ranch Storage project is a private development with controlled access from Dies Ranch Road. It is not appropriate or consistent with this type of development to allow uncontrolled public access.

Please do not hesitate to contact me if you have any questions regarding the information contained in this request.

Thank you,

Thomas J. Groll, P.E.

Thomas J. Groll, P.E.
President
Tom Groll Engineering, PC
16109-A Awalt Drive
Austin, TX 78734
Firm # 9799



(512) 448-0922 (o)
(512) 848-5796 (m)
tomg@tg-eng.com

CC: Mr. Brian Birdwell, P.E. - Birdwell Investments, LLC

TG/tjg

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Subdivision

Planning and Zoning Commission

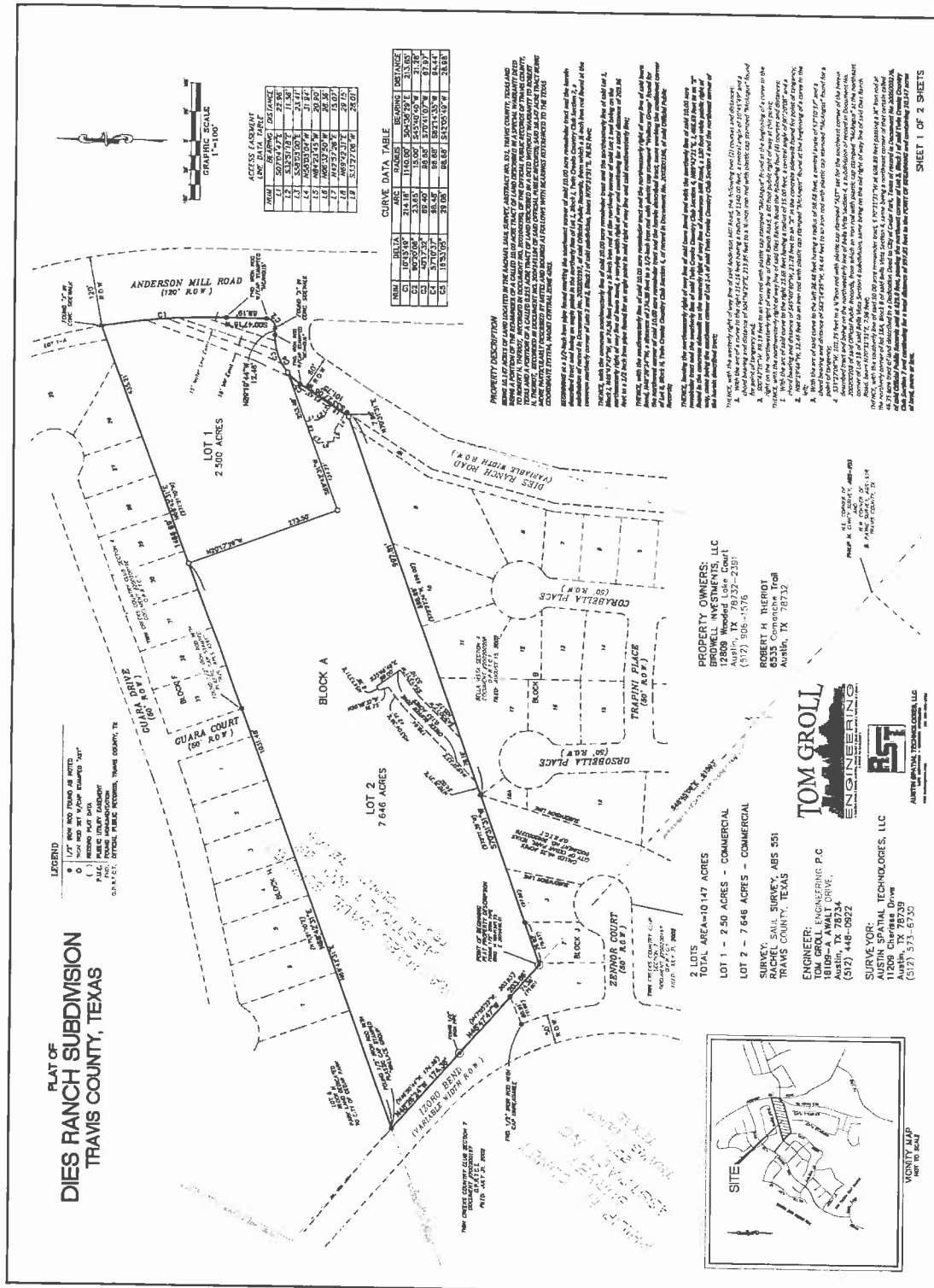
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Proposed Subdivision



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Existing Topography (2 foot contours)

